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ARTHROCARE CORPORATION
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BUILDING TWO, SUITE 100
AUSTIN TX 78735-8532

MAILED

JUN 09 2009

OFFICE OF PETITIONS

In re Patent No. 6,974,453	:	
Issue Date: December 13, 2005	:	
Application No. 09/839,427	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: April 20, 2001	:	
Attorney Docket No. G-01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 01, 1998, the court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

I hereby certify that this correspondence is being facsimile transmitted (571-273-6500) to the U.S. Patent and Trademark Office on the date shown below:

On 04/16/2009

By Erin M. Schuman
Erin M. Schuman

PATENT

Attorney Docket No.: G-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re application of: Jean Woloszko, et al.

) Examiner: Lee Cohen

Application No.: 09/839,427 Filed: 4/20/2001

) Group Art Unit: 3739

Patent No.: 6,974,453

) Confirmation No.: 1754

For: DUAL MODE ELECTROSURGICAL CLAMPING
PROBE AND RELATED METHODS

) **NOTIFICATION OF CHANGE OF
ENTITY STATUS TO LARGE
AND CORRECTION OF
ERRONEOUSLY CLAIMED SMALL
ENTITY STATUS**

VIA FACSIMILE (571-273-6500)

Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to notify the U.S. Patent and Trademark Office that small entity status is no longer appropriate for this patent application.

Applicants further wish to notify that the itemization and payment of deficiencies required for correction of erroneously claimed status as a small entity are submitted herewith pursuant to 37 C.F.R. § 1.28(c).

04/20/2009 DALLIN 00000039 500359 09839427

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Application No.: 09/839,427
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Itemization of the total deficiency payment:

Type	Date of Erroneous Payment	Current Fee Amount for Non-Small Entity	Amount Paid in Error	Deficiency Owed (Current Fee - Amt. Paid in Error)
Request for Continued Examination (RCE)	02/15/2005	\$810.00	\$395.00	\$415.00
Total Deficiency Owed				\$415.00

Applicants hereby authorize the Commissioner to charge \$415.00 to Deposit Account No. 50-0359 of ArthroCare Corporation, corresponding to the Total Deficiency Owed for the itemized fees for the above-referenced patent application.

Applicants believe no further fees are due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any over payments to Deposit Account No. 50-0359 of ArthroCare Corporation, as necessary.

Respectfully submitted
Attorney for Applicants,

Matthew Scheele

Matthew Scheele
Reg. No. 59,847

Date: 4/16/09

SEND CORRESPONDENCE TO:
ARTHCARE CORPORATION
CUSTOMER NO. 21394
512.358.5925
512.391.3901 (fax)

*spoke to customer and request
to ignore these documents.
will redirect to the appropriate
division.*

spoke 4-17-09 @ 2:40

Matthew